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Sub-Commission on Prevention of
Discrimination and Protection
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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)1

Written statement submitted by Pax Christi International, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement which is distributed in accordance with Economic and Social Council resolution 1296 (XLIV).

[28 July 1993]

1. At the World Conference on Human Rights in Vienna, much attention was paid to means of improving the mechanisms for the promotion of human rights. One important mechanism is the work being done by the Commission on Human Rights and its Sub-Commission on Prevention of Discrimination and Protection of Minorities. Besides its important work in the field of standard-setting and the development of international law on human rights, the Sub-Commission fulfils an essential "watch dog" function: it reviews the human rights situation in all parts of the world, with special reference to colonial and other dependent countries and territories. In reviewing and drawing attention to violations of human rights and fundamental freedoms by particular

governments, it puts them on notice that the international community is watching attentively and is concerned with the treatment of all people, regardless of race, sex, creed or economic standing. This review process can also have an important preventive effect: it can help deter potential abusers of human rights from doing so, for fear of damaging their international standing. Increasingly, regimes that grossly violate human rights are also feeling economic consequences of being exposed by the United Nations and other credible bodies.

2. If mechanisms such as those discussed here, which do not entail the use of force (which is a mechanism that is itself abusive of human rights or results in such abuses), are to be effective, they must be implemented equally wherever serious abuses occur, and the United Nations human rights bodies and, therefore, the member States and the independent experts constituting those bodies, must meticulously avoid the application of double standards when it comes to human rights and fundamental freedoms. This has often been stated and emphasized by members and observers during sessions of the Commission and Sub-Commission. And yet, in practice, it is often the smaller, less powerful countries which form the object of scrutiny. Large and more powerful countries which can use economic and political leverage to their advantage, may at times be criticized by individual governments and experts, but are rarely singled out by the Commission or Sub-Commission in their yearly review of country and regional situations. The credibility of both these bodies may suffer, unless this situation is changed. Human rights is one area, par excellence, which should not be used only to advance political agendas of States, but should strive to improve the lot of all human beings. If the very institutions which must strive to combat discrimination themselves discriminate in the application of human rights standards, to whom can the down-trodden turn?

3. In their review of situations in various parts of the world, the Commission and Sub-Commission should also pierce the veil of out-dated terminology used to protect certain governmental policies from scrutiny. Thus, the concept of "internal affairs" cannot be applied where human rights are concerned. Human rights are today indisputably an integral part of international law. Treaties and declarations with virtually the same force as treaties and customary law concern human rights. Therefore, human rights by definition are not a matter of exclusive internal jurisdiction but, rather of international responsibility and jurisdiction. Similarly, the concepts of "colonialism", "dependent territories" or "alien domination" should be applied without discrimination and not exclusively in the context of classical Western colonialism. Today, countries that were once the victims of colonialism are themselves practising forms of colonialism and abusing other weaker nations and peoples. Colonialism and alien domination can occur anywhere and any time. The fact that a country or people was once victimized, cannot immunize it from becoming the abusive colonial power itself.

4. The role of non-governmental organizations with respect to the work of the Commission and Sub-Commission is of considerable importance. Non-governmental organizations do investigative work which can help to bring violations of human rights to the attention of these United Nations bodies, despite sometimes considerable efforts of certain governments to prevent facts from coming to light. Non-governmental organizations can state their views

independently, without having to take national political considerations and interests into account. This, in fact, is their responsibility; when they become official agents of governments or when they are agents "in disguise", they lose their legitimacy and credibility. Attempts by certain governments to intimidate non-governmental organizations into not speaking out on issues, for example by calling for a revocation of their consultative status with the Economic and Social Council, undermines the very institutions the non-governmental organizations are called on to strengthen. The United Nations, and in particular its human rights bodies and forums, should never give into pressure by governments to silence the voice of human rights defenders.

5. The United Nations has, through consistent efforts, helped to bring positive changes in a number of places in the world. The developments in South Africa attest to the power of determined non-violent action, not only by the oppressed people themselves, but also by the United Nations and many of its Member States. The Commission and Sub-Commission have played, and continue to play, an important role in pressing for change. With respect to the situation of Palestinians in occupied territories, the United Nations also continues to show leadership and determination. But in some other places, gross and persistent violations of human rights have been allowed to continue while the United Nations has remained conspicuously silent. Sadly, many examples could be cited, from the question of racism and xenophobia in Western countries (to which the United Nations is only starting to turn), to the deplorable situation of indigenous peoples in many countries. The Muslims in Sanjak and Christian Greeks in Albania, the Ogoni in Nigeria and Assyrians in Iraq hardly get a mention.

6. Two areas that have been of consistent concern to Pax Christi exemplify the principal points made in this submission. The situations in East Timor and in Tibet. Both situations have sporadically formed the object of United Nations resolutions, but the United Nations has failed to act with determination and consistency in these matters. Despite the overwhelming evidence of persistent and systematic human rights abuses in East Timor and Tibet, the international community has shown itself incapable of overcoming political and economic pressures to address human rights disasters. In both these occupied countries, violent suppression of the human desire for freedom and justice has resulted in the death of an enormous section of the population (one fifth in Tibet, and one third of the population in East Timor); the suppression and desecration of the cultural and national identity of the people; and the destruction of the social and economic fabric of the indigenous population. Today's population transfer policies of the Indonesian and Chinese Governments threaten to marginalize the East Timorese and the Tibetans in every aspect of life in their own countries. The very survival of these peoples is at stake. The Commission on Human Rights, at its last session, passed a resolution on East Timor, while the Sub-Commission adopted a resolution on Tibet at its forty-third session. It is time that the Sub-Commission take up both issues seriously, thus setting in motion a concerted effort by the United Nations to bring change to these two places, just as it has done effectively in other parts of the world.

7. A new initiative in these two areas will show that the political or economic power of those governments which abuse human rights or of their

sponsors and allies can no longer deter justified action by the United Nations; that the claim by some governments that human rights issues are the internal affairs of States has no more force; that colonialism and alien domination will be opposed no matter where it takes place; and that the United Nations will not cooperate with the silencing of human rights defenders, despite pressure from governments who wish to save themselves embarrassment. The damage that was done by events at the Vienna Conference to the credibility of the United Nations as a protector of human rights, the Sub-Commission and Commission can start to undo. The independence of the members of the Sub-Commission and their expertise provides the best hope for a restoration of confidence.